

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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Attorney General

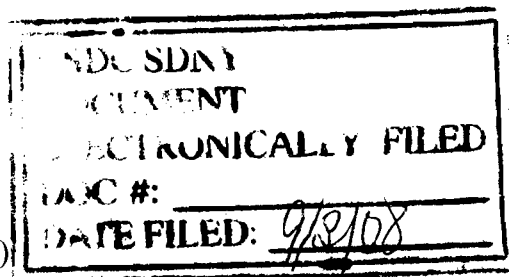
CRIMINAL JUSTICE DIVISION
Federal Habeas Corpus Section

Writer's Direct Telephone No.
212-416-8820

September 2, 2008

BY HAND

Honorable Theodore H. Katz
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 1660
New York, New York 10007



Re: Mota v. Ekpe, No. 08 Civ. 3228 (RMB) (THK)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York. By agreement with the New York County District Attorney's Office, I will be representing respondent in this habeas corpus proceeding. I am writing to request an additional two-week extension to answer the petition.

On August 12, Your Honor kindly granted my second request for an extension of time, and directed me to file an answer by September 15, 2008. I am now compelled, for the first time in my career, to request a third extension — to September 29, 2008. As I mentioned in my last letter, I am preparing for an evidentiary hearing in the Northern District of New York, which is scheduled to begin on September 15. The hearing will last three days and involve testimony from seventeen witnesses. To adequately prepare, I must devote the next two weeks exclusively to that case. I assure the Court that this will be my final request for additional time.

Once again, I thank the Court for its consideration.

*The response to the Petition
shall be filed by September 29, 2008.
Any reply shall be filed by
October 15, 2008.*

Respectfully submitted,

Jodi A. Danzig (JD-8126)
Assistant Attorney General

cc: Mr. Pedro Mota (by U.S. mail)
04-A-1649
Watertown Correctional Facility
23147 Swan Road
Watertown, New York 13601-9340

SO ORDERED

Theodore H. Katz 9/3/08
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

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